

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

EDWARD A. BRINSKELE, et al.,
Defendants.

Case No. 17-cv-01410 CW

**ORDER DENYING MOTION TO
DISMISS WITHOUT PREJUDICE**

Dkt. No. 80

On March 9, 2024, Defendant Edward A. Brinskele filed a motion to dismiss. *See* Docket No. 80. The Court DENIES the motion WITHOUT PREJUDICE because Edward A. Brinskele is in default.

On February 28, 2024, the Court denied without prejudice Edward A. Brinskele's motion to set aside the default for failure to show good cause under Federal Rule of Civil Procedure 55(c). *See* Docket No. 79. The Court permitted Defendant Edward A. Brinskele to file a renewed motion to set aside the default by March 13, 2024. The Court will extend the deadline for Edward A. Brinskele to file a renewed motion to set aside the default to **March 27, 2024**.

In any such motion, Edward A. Brinskele must demonstrate good cause to set aside the default. *See* Fed. R. Civ. P. 55(c). To establish good cause, Edward A. Brinskele must show: (1) that he did not engage in culpable conduct that led to the default; (2) that he has a meritorious defense; and (3) that reopening the default would not prejudice the United States. *See Franchise Holding II, LLC v. Huntington Restaurants Grp., Inc.*, 375 F.3d 922, 926 (9th Cir. 2004).

1 The motion must comply with the requirements of the local rules of this district, including
2 Civil Local Rule 7-5, which governs motions and requires that factual contentions in support of
3 any motion be supported by an affidavit or declaration and with appropriate references to the
4 record. Those rules can be accessed at <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

5 The Court reminds Edward A. Brinskele that he is required to comply with this Court's
6 orders, as well as all applicable procedural rules, including the Federal Rules of Civil Procedure
7 and the Civil Local Rules, even if he is not represented by counsel. A failure by any party to
8 comply with applicable rules may result in sanctions.

9 Edward A. Brinskele may consult the Legal Help Center and pro se resources. The Legal
10 Help Center can provide information, advice, and basic legal help but cannot represent litigants.
11 Telephone appointments can be scheduled by emailing fedpro@sfbare.org or by calling (415) 782-
12 8982. Additional information can be found online at [https://www.cand.uscourts.gov/pro-se-](https://www.cand.uscourts.gov/pro-se-litigants/)
13 [litigants/](https://www.cand.uscourts.gov/pro-se-litigants/).

14 IT IS SO ORDERED.

15 Dated: March 11, 2024



16 CLAUDIA WILKEN
17 United States District Judge
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